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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of  
Michael S. Roberts, et al  
Serial No. 10/044,955

O I P E  
OCT 26 2004  
JCS

Filed: January 15, 2002

Atty. Ref.: 2370-84

TC/A.U.: 1648

Examiner: Timothy M. Brown

For: TREATMENT OF NEOPLASMS WITH VIRUSES

\* \* \* \* \*

October 26, 2004

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**INFORMATION DISCLOSURE STATEMENT**

As suggested by 37 C.F.R. 1.97, the undersigned attorney brings to the attention of the Patent and Trademark Office the Official Action dated April 16, 2004 issued in co-pending application Serial No. 08/260,536, filed June 16, 1994 in which the present application is cited in an obviousness-type double patenting rejection. A copy of the April 16, 2004 Official Action is attached.

This is not to be construed as a representation that a search has been made or that no better prior art exists, or that a reference is relevant merely because cited.

Pursuant to Rule 37 C.F.R. §1.97(c), a fee of \$180.00 as specified in Rule 17(p) is attached. If there is any shortage in the fee, please charge the deposit account of Nixon & Vanderhye, Account No. 14-1140.

The Examiner is requested to initial the attached form PTO-1449 and to return a copy of the initialed document to the undersigned as an indication that the attached Official Action dated April 16, 2004 has been considered and made of record.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

10/27/2004 RFEKADU1 00000061 10044955

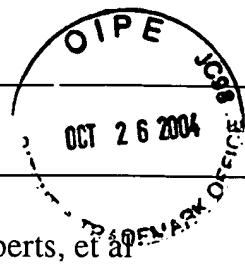
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By:

Leonard C. Mitchard  
Reg. No. 29,009

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Arlington, VA 22201-4714  
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## **INFORMATION DISCLOSURE CITATION**

ATTY. DOCKET NO.

2370-84

SERIAL NO.

10/044,955

(Use several sheets if necessary)

**FILING DATE**

TC/A.U.

January 15, 2002

1648

## U.S. PATENT DOCUMENTS

## FOREIGN PATENT DOCUMENTS

**OTHER DOCUMENTS (including Author, Title, Date, Pertinent pages, etc.)**

Official Action dated April 16, 2004 in co-pending application Serial No. 08/260,536, filed June 16, 1994.

**\*Examiner**

### Date Considered

Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to application.

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Atty Dkt. 2370-84

C# M#

Michael S. Roberts, et al

TC/A.U. 1648

Serial No. 10/044,955

Examiner: Timothy M. Brown

Filed: January 15, 2002

Date: October 26, 2004

Title: TREATMENT OF NEOPLASMS WITH VIRUSES

Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Sir:

**RESPONSE/AMENDMENT/LETTER**

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

 **Correspondence Address Indication Form Attached.****Fees are attached as calculated below:**

Total effective claims after amendment	0	minus highest number		
previously paid for	20	(at least 20) =	0	x \$ 18.00
				\$ 0.00

Independent claims after amendment	0	minus highest number		
previously paid for	3	(at least 3) =	0	x \$ 88.00
				\$ 0.00

If proper multiple dependent claims now added for first time, add \$300.00 (ignore improper)		\$	0.00
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Petition is hereby made to extend the current due date so as to cover the filing date of this paper and attachment(s) (\$110.00/1 month; \$430.00/2 months; \$980.00/3 months)		\$	0.00
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Terminal disclaimer enclosed, add \$ 110.00		\$	0.00
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<input type="checkbox"/> First/second submission after Final Rejection pursuant to 37 CFR 1.129(a) (\$790.00)		\$	0.00
<input type="checkbox"/> Please enter the previously unentered , filed			
<input type="checkbox"/> Submission attached			

<b>Subtotal</b>	\$	0.00
-----------------	----	------

If "small entity," then enter half (1/2) of subtotal and subtract		-\$	0.00
<input type="checkbox"/> Applicant claims "small entity" status. <input type="checkbox"/> Statement filed herewith			

Rule 56 Information Disclosure Statement Filing Fee (\$180.00)		\$	180.00
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Assignment Recording Fee (\$40.00)		\$	0.00
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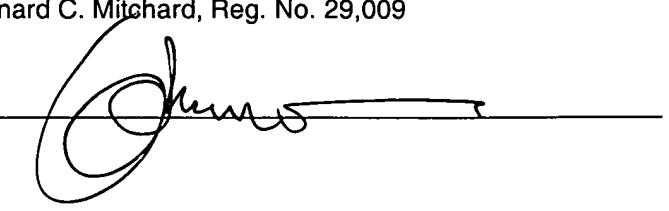
Other:			0.00
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<b>TOTAL FEE ENCLOSED</b>	\$	180.00
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The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

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NIXON & VANDERHYE P.C.  
 By Atty: Leonard C. Mitchard, Reg. No. 29,009

Signature: 

<b>Notice of References Cited</b>			Application/Control No. 08/260,536	Applicant(s)/Patent Under Reexamination LORENCE ET AL.	
			Examiner Emily Le	Art Unit 1648	Page 1 of 1

**U.S. PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-2003/0044384	03-2003	Roberts et al.	424/93.2
*	B	US-2003/0165465	09-2003	Roberts et al.	424/93.2
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

**FOREIGN PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

**NON-PATENT DOCUMENTS**

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)		
*	U	Kirn et al. "Replicating viruses as selective cancer therapeutics". Molecular Medicine Today, 1996, 519-527.		
*	V	Sharkey et al. in "Experience in Surgical Pathology with Human Tumor Growth in the Nude Mouse". The Nude Mouse in Experimental and Clinical Research, 1978, chapter 10, pages 187-214.		
	W	National Cancer Institute's complementary and alternative medicine (CAM) on NDV.		
	X			

\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)  
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.